

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

FREDDY GUERRERO §
§ CIVIL ACTION NO. 5:22-cv-265
V. § (Jury Trial Demanded)
§
DOLGENCORP OF TEXAS, INC., D/B/A §
DOLLAR GENERAL CORPORATION §

DEFENDANT'S NOTICE OF REMOVAL

TO THE HONORABLE JUDGE OF THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS:

DEFENDANT DOLGENCORP OF TEXAS, INC. D/B/A DOLLAR GENERAL files this, its Notice of Removal of a state-court action, pursuant to 28 U.S.C. §§1441(a), 1446(a), and would respectfully show the Court the following:

I. INTRODUCTION

1. Plaintiff Freddy Guerrero (“Plaintiff”) filed his Original Petition to commence this civil action in the 454th Judicial District Court of Medina County, Texas styled *Freddy Guerrero v. Dolgencorp of Texas, Inc. d/b/a Dollar General Corporation*, Cause No. 22-03-27582-CV, on March 1, 2022.
2. Defendant DOLGENCORP OF TEXAS, INC. D/B/A DOLLAR GENERAL (“Dollar General”) was served with Plaintiff’s Original Petition on March 7, 2022. Defendant DOLGENCORP OF TEXAS, INC. D/B/A DOLLAR GENERAL timely files this notice of removal within the 30-day time period required by and pursuant to 28 U.S.C. §1446(b)(1).

II. BASIS FOR REMOVAL

3. Removal is proper because there is complete diversity between the parties, as detailed herein, and the amount in controversy exceeds \$75,000.00.

4. At the time the state-court action was commenced and as of the date of this notice, Defendant DOLGENCORP OF TEXAS, INC. D/B/A DOLLAR GENERAL was and is a corporation organized, formed, and incorporated in and under the laws of the State of Kentucky, having its principal offices in the State of Tennessee. The Plaintiff, Freddy Guerrero, is a citizen of the State of Texas.

5. Plaintiff alleges that as a direct and proximate result of Defendant's actions, he now seeks to recover damages relating to:

- a. Past and future reasonable and necessary medical expenses;
- b. Past and future physical pain;
- c. Past and future physical impairment;
- d. Past lost wages;
- e. Loss of earning capacity;
- f. Past and future mental anguish;
- g. Fear of future disease or condition; disfigurement; and
- h. Cost of medical monitoring and prevention in the future.

6. In Texas, all original pleadings that set forth a claim for relief must contain a specific statement of the relief the party seeks, pursuant to Texas Rules of Civil Procedure 47(c). In Plaintiff's Original Petition, Plaintiff asserts damages over \$1,000,000.00, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney's fees and judgment for all other relief to which Plaintiff is justly entitled. It is therefore facially apparent from Plaintiff's initial pleadings that she is demanding monetary relief in an amount that exceeds the minimum jurisdictional amount of \$75,000.00. 28 U.S.C. §§1332(a); 1446(c)(2).

7. There are no other defendants in this case that would require consent to removal. 28 U.S.C. §1446(b)(2)(A).

8. A copy of all process, pleadings, and orders served upon Defendant in the state-court action are attached hereto as "Exhibit A," as required by 28 U.S.C. §1446(a) and Local Rule 81.

9. Venue is proper in this district court because this district and division encompass the place in which the state-court action is pending.

III. JURY DEMAND

10. Defendant has made a jury demand in the state-court action; therefore, Defendant is not required to renew its demand. Fed. R. Civ. P. 81(c)(3)(A).

PRAYER

WHEREFORE, Defendant DOLGENCORP OF TEXAS, INC. D/B/A DOLLAR GENERAL respectfully requests that this action proceed in this District Court as an action properly removed to it, and for such other and further relief to which it may be justly entitled.

Respectfully submitted,

LUCERO | WOLLAM, P.L.L.C.



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ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on the 18th of March, 2022, a true and correct copy of the foregoing was sent or delivered to all parties through counsel of record pursuant to Rule 21a TRCP.

Via Electronic Mail:

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